

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JOSE PAGAN	:	VIOLATIONS: 21 U.S.C. §§841(a)(1) &
<i>a/k/a "Henry Pagan"</i>	:	841(b)(1)(C) (Possession
	:	with intent to distribute a
	:	controlled substance - 1
	:	count);
	:	21 U.S.C. §860 (Possession
	:	with intent to distribute a
	:	controlled substance within
	:	1,000 feet of school property
	:	- 1 count);
	:	18 U.S.C. §924(c) (Carrying
	:	a firearm during and in
	:	relation to a drug trafficking
	:	crime - 1 count);
	:	18 U.S.C. §§922(g)(1) &
	:	924(e) (Felon in possession
	:	of a firearm - 1 count);
	:	Notice of Prior Convictions
	:	Notice of Forfeiture

**INDICTMENT**

**COUNT ONE**

THE GRAND JURY CHARGES THAT:

From on or about June 16, 2003, in the Eastern District of Pennsylvania, defendant

**JOSE PAGAN,**  
***a/k/a "Henry Pagan,"***

knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I drug controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

**COUNT TWO**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2003, in the Eastern District of Pennsylvania, defendant

**JOSE PAGAN,**  
***a/k/a* “Henry Pagan”**

knowingly and intentionally possessed with the intent to distribute a mixture or substance containing a detectable amount of heroin, a Schedule I drug controlled substance, within 1,000 feet of the real property comprising the Conwell Middle School located at 1849 East Clearfield Avenue, Philadelphia, Pennsylvania, in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

In violation of Title 21, United States Code, Section 860.

**COUNT THREE**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2003, in the Eastern District of Pennsylvania, defendant

**JOSE PAGAN,**  
*a/k/a* **“Henry Pagan,”**

knowingly possessed a firearm, that is, a .38 caliber Smith & Wesson revolver, Model 64, with an obliterated serial number, loaded with four .38 caliber rounds of ammunition, in furtherance of a drug trafficking crime for which he may be prosecuted in a Court of the United States, that is, possession with intent to distribute heroin as charged in Counts One and Two of this Indictment.

In violation of Title 18, United States Code, Section 924(c)(1).

**COUNT FOUR**

THE GRAND JURY FURTHER CHARGES THAT:

On or about June 16, 2003, in the Eastern District of Pennsylvania, defendant

**JOSE PAGAN,**  
***a/k/a* “Henry Pagan,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce, a firearm, that is, one Smith & Wesson, Model 64, .38 caliber revolver, with an obliterated serial number, loaded with four rounds of .38 caliber ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

### **NOTICE OF PRIOR CONVICTIONS**

Defendant, Jose Pagan, a/k/a “Henry Pagan,” committed the offenses charged in Counts One, Two and Four of this Indictment after the following serious drug offenses and violent criminal convictions had become final in courts of the Commonwealth of Pennsylvania:

1. Possession With Intent to Distribute Controlled Substance: C.P. Philadelphia County #9801-0239.
2. Burglary: C.P. Philadelphia County #9009-0825.
3. Burglary: C.P. Philadelphia County #9009-1332.
4. Robbery: C.P. Philadelphia County #9109-0640.

## **NOTICE OF FORFEITURE**

1. As a result of the violations of Title 21, United States Code, Section 841 set forth in Counts One and Two of this Indictment, defendant

**JOSE PAGAN,  
a/k/a “Henry Pagan,”**

shall forfeit to the United States of America:

(a) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the violations of Title 21, United States Code, as charged in this Indictment, including but not limited to:

(1) .38 caliber Smith & Wesson revolver, Model 64, with an obliterated serial number;

and

(2) four rounds of .38 caliber ammunition;

(b) any property constituting, or derived from, proceeds obtained directly or indirectly as the result of the violations of Title 21, United States Code 841, as charged in this Indictment.

All pursuant to Title 21, United States Code, Section 853.

**NOTICE OF FORFEITURE (18 U.S.C. § 924(d))**

1. As a result of the violation of Title 18, United States Code, Sections 924(c)(1), and 922(g)(1), set forth in Count Three and Four of this Indictment, the defendant

**JOSE PAGAN,  
a/k/a “Henry Pagan,”**

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), the firearm and ammunition involved in the commission of these offenses, including, but not limited to:

- (1) .38 caliber Smith & Wesson revolver, Model 64, with obliterated serial number; and
- (2) four rounds of .38 caliber ammunition;

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

\_\_\_\_\_  
GRAND JURY FOREPERSON

\_\_\_\_\_  
PATRICK L. MEEHAN  
*United States Attorney*